APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,575	03/18/2002	Hisashi Nakagomi	220944US2	3219

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EXAMINER
PAN, JOSEPH T

ART UNIT	PAPER NUMBER
2135	

NOTIFICATION DATE	DELIVERY MODE
06/15/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Office Action Summary	Application No. 10/098,575	Applicant(s) NAKAGOMI ET AL.
		Examiner Joseph Pan	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *4/15/05&8/23/02*.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 29, 2007 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4, 6-11, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono et al. (U.S. Patent No. 6,496,930 B1), hereinafter "Ono".

Referring to claim 1:

Ono teaches:

A mobile communication terminal device configured to communicate with a remote device via a wireless connection, the remote device configured to operate at one of a plurality of communication link security levels (see figure 1, element 2, 'client apparatus'; and column 7, lines 39-44 '...a radio or cable channel...', of Ono), comprising:

a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device (see fig. 7, element S206 'which conversion type is specified?'; and column 3, lines 17-21 '...which encryption/digital signature method should be used,...', of Ono); and

an announcing unit configured to announce said detected communication link security level, each of said plurality of communication security link levels corresponding to a strength of ciphering in use at the remote device (see figure 1, element 221 'input/output controlling unit'; and column 3, lines 17-21 of Ono).

<u>Referring to claim 2</u>:

Ono teaches the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Ono further discloses a judgment unit (see column 8, lines 65-column 9, line 8 of Ono).

<u>Referring to claim 3</u>:

Ono teaches the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Ono further discloses the communication link security level setting unit (see column 3, lines 17-21 'Accordingly, the message receiving apparatus can specify...which encryption/digital signature method should be used,', of Ono).

<u>Referring to claim 4</u>:

Ono teaches the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless

connection (see claim 1 above). Ono further discloses the control unit (see figure 1, element 21 'encryption/communication control unit' of Ono).

Referring to claims 6, 14, 22:

Ono teaches the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Ono further discloses the notification (see column 11, lines 33-37 of Ono).

Referring to claim 7:

Ono teaches:

A server device configured to communicate with a mobile communication terminal device at a remote location via a wireless telecommunications network and in accordance with one of a plurality of communication link security levels (see figure 1, element 4 'server apparatus'; and column 7, lines 39-44 '...a radio or cable channel...', of Ono), comprising:

a server side detection unit configured to detect which of the plurality of communication link security levels is being used by said mobile communication terminal (see figure 8 'control procedure of server apparatus', element S254 'which conversion type' of Ono); and

a server side communication link security level setting unit configured to set at least one of a communication link security level permitting communication and a communication link security level not permitting communication, each corresponding to said communication link security level being used by said mobile communication terminal (see e.g. column 1, lines 32-42 of Ono),

wherein said server device is configured to communicate with said mobile communications terminal, each of said plurality of communication link security levels corresponding to a strength of ciphering in use at the remote device (see e.g. column 1, lines 32-42 of Ono).

Referring to claim 8:

Ono teaches the claimed subject matter: a server device configured to communicate with a mobile communication terminal device (see claim 7 above). Ono

further discloses the control unit (see figure 1, element 41 'encryption/communication control unit' of Ono).

Referring to claims 9, 16:

Ono teaches the claimed subject matter: a server device configured to communicate with a mobile communication terminal device (see claim 7 above). Ono further discloses the inquiry unit (see column 2, lines 9-17 of Ono).

Referring to claim 10:

Ono teaches:

A mobile communication terminal device having a security communication function, comprising:

(a) a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device (see figure 7, element S206 'which conversion type is specified?' of Ono);

(b) an announcing unit configured to announce said detected communication link security level (see figure 1, element 32 'input/output controlling unit' of Ono);

(c) a communication link security level setting unit configured to set by a user at least one of a communication link security level permitting communication and a communication link security level not permitting communication (see column 3, lines 17-21 '...specify...which encryption/digital signature method should be used,' of Ono);

(d) an internal memory configured to store the communication link security level information set by the user via the communication link security level setting unit (see figure 1, element 2 'client apparatus' of Ono);

(e) a judgment unit configured to judge whether said detected level satisfies the communication link security level condition previously set by the user (see column 8, line 65-column 9, line 8 of Ono); and

(f) a control unit configured to prevent the establishment of communications when the communication link security level condition is not satisfied or allow communication when the communication link security level condition is satisfied,

each of said plurality of communication link. security levels corresponding to a strength of ciphering in use at the remote device (see column 1, lines 32-42; and figure 7, element S206 'which conversion type is specified?' of Ono).

Referring to claim 11:

Ono teaches the claimed subject matter: a mobile communication terminal device (see claim 10 above). Ono further discloses the accounting unit (see figure 1, element 22 'input/output controlling unit' of Ono).

Referring to claim 15:

Ono teaches:

A server device configured to communicate with a mobile communication terminal device via a communication network and via one of a plurality of communication link security levels, the server device comprising:

(a) a server side detection unit, configured to detect which of the plurality of communication link security levels are in use in the mobile communication terminal device (see figure 8, element S254 'which conversion type?' of Ono);

(b) a server side communication link security level setting unit configured to set by a user at least one of a communication link security level permitting communication and a communication link security level not permitting communication, wherein the server side communication link security level setting unit is configured to be set by a user, and the server device also comprises (see column 1, lines 32-42 of Ono):

(c) an internal memory configured to store the communication link security level information set by the user via the server side communication link security level setting unit (see figure 1, element 41 'encryption/communication control unit' of Ono);

(d) a server side control unit configured to prevent communication when said detected communication link security level has not reached said communication link security level permitting communication or to discontinue communication when said detected communication link security level falls below said communication link security level not permitting communication, each of said plurality of communication link security levels corresponding to a strength of ciphering in use at the remote device (see figure

1, element 41 'encryption/communication controlling unit'; and column 1, lines 32-42 of Ono).

Referring to claim 17:

Ono teaches:

A method of communicating between a mobile communication terminal device and a remote device via a wireless connection, the remote device configured to operate at one of a plurality of communication link security levels, comprising:

detecting which of the plurality of communication link security levels is in use at the remote device (see figure 8, element S254 'which conversion type?' of Ono); and

announcing said detected communication link security level, each of said plurality of communication link security levels corresponding to a strength of ciphering in use at the remote device (see figure 1, element 4 'server apparatus' of Ono).

Referring to claim 18:

Ono teaches the claimed subject matter: a method of communicating between a mobile communication terminal device and a remote device via a wireless connection (see claim 17 above). Ono further discloses the judging unit (see figure 8, element S254 'which conversion type?' of Ono).

Referring to claim 19:

Ono teaches the claimed subject matter: a method of communicating between a mobile communication terminal device and a remote device via a wireless connection (see claim 17 above). Ono further discloses the setting (see column 3, lines 17-21 '...specify...which encryption/digital signature method should be used,' of Ono).

Referring to claim 20:

Ono teaches the claimed subject matter: a method of communicating between a mobile communication terminal device and a remote device via a wireless connection (see claim 17 above). Ono further discloses the establishment or preventing the establishment of communications between a mobile communication terminal device and a remote device (see column 1, lines 32-42 of Ono).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 5, 12-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (U.S. Patent No. 6,496,930 B1), hereinafter "Ono", in view of Tanaka et al. (U.S. Patent No. 6,208,376 B1), hereinafter "Tanaka".

<u>Referring to claims 5, 12-13, 21</u>:

       i.   Ono teaches the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Ono further discloses urging the user to input a message (see column 2, lines 9-17 of Ono). However, Ono does not specifically mention urging the selection of the continuance or discontinuance of communication.

       ii.   Tanaka teaches a communication system and method wherein Tanaka discloses urging a user to select either to "continue" or "stop" when a warning is issued (see column 6, lines 12-15 of Tanaka).

       iii.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Tanaka into the system of Ono to urge a user to select either to "continue" or "stop" when a warning is issued.

       iv.   The ordinary skilled person would have been motivated to have applied the teaching of Tanaka into the system of Ono to urge a user to select either to

"continue" or "stop" when a warning is issued, because Ono teaches a security communication method (see column 1, lines 11-14 of Ono), and the terminal device analyze the encryption variable in the input message (see figure 7, element S206 'Analyze encryption variable' of Ono). It would enhance Ono's system by urging a user to select either continue or stop when the encryption variable changes during the data communication.

Response to Arguments

6.   Applicant's arguments filed on February 6, 2007   have been fully considered. The amended claims necessitate the above new grounds of rejections.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.
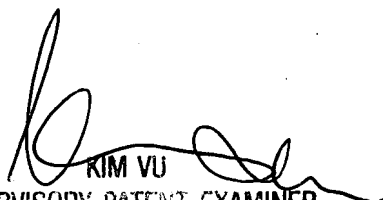
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan

May 30, 2007

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100